

# **Exhibit 7-B**

**Redacted Version of  
Document Sought to be Sealed**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC. CONSUMER ) MDL No. 2843  
PRIVACY USER PROFILE LITIGATION) Case No.  
\_\_\_\_\_ ) 18-md-02843-VC

This document relates to: )  
ALL ACTIONS )  
\_\_\_\_\_ )

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REMOTE VIDEOTAPED DEPOSITION BY VIRTUAL ZOOM OF  
FACEBOOK INC. REPRESENTATIVE,  
KONSTANTINOS PAPAMILTIDIS  
TUESDAY, FEBRUARY 23, 2021

Reported by:  
Ashala Tylor, CSR #2436, CLR, CRR, RPR  
JOB NO. 4473154  
PAGES 1 - 280

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Videotaped deposition of FACEBOOK, INC.  
REPRESENTATIVE, KONSTANTINOS PAPAMILTADIS taken via  
virtual Zoom, commencing at 9:10 a.m. and ending at  
3:58 p.m., on Tuesday, February 23, 2021, before Ashala  
Tylor, CSR No. 2436, RPR, CRR, CLR.

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21 Kimberly Decker, Videographer

I N D E X

WITNESS	EXAMINATION BY	PAGE
KONSTANTINOS PAPAMILTIDIS		
	Ms. Weaver	9, 171

E X H I B I T S

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Exhibit 2	Discovery Order No. 9 (Dkt. Nos. 515, 526, 537, 548)	10
Exhibit 3	Email from Simone LiTrenta to Matt Scutari and others, 5-8-14, FB CA MDL 00213423 - 443	49
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1 Tuesday, February 23, 2021

2 9:10 a.m.

3 --o0o--

4

5 THE VIDEOGRAPHER: Good morning. We are 09:10

6 going on the record at 9:10 a.m. on February 23rd of 09:10

7 2021. All participants are attending remotely. 09:10

8 Audio and video recording will continue to 09:10

9 take place unless all parties agree to go off the 09:10

10 record. 09:10

11 This is Media Unit 1 of the recorded 09:10

12 deposition of Facebook, Inc. representative, 09:10

13 Konstantinos Papamiltiadis, taken by counsel for the 09:10

14 plaintiffs in the matter of Facebook, Inc. Consumer 09:10

15 Privacy User Profile Litigation filed in the 09:10

16 United States District Court, Northern District of 09:10

17 California, Case Number 18-md-02843-VC. 09:10

18 My name is Kimberly Decker from Veritext 09:10

19 Legal Solutions and I'm the videographer. The court 09:10

20 reporter is Ashala Tylor. I'm not related to any 09:10

21 party in this action, nor am I financially 09:11

22 interested in the outcome. 09:11

23 Counsel and all present will now state 09:11

24 their appearances and affiliations for the record. 09:11

25 If there are any objections to proceeding, please 09:11

Page 7



1 state them at the time of your appearance, beginning 09:11  
2 with the noticing attorney. 09:11  
3 MS. WEAVER: Good morning, everybody. I'm 09:11  
4 Lesley Weaver, co-lead counsel for plaintiffs and 09:11  
5 from Bleichmar Fonti & Auld. 09:11  
6 MS. DAVIS: Good morning. Anne Davis also 09:11  
7 for plaintiffs, Bleichmar Fonti & Auld. 09:11  
8 MR. MONTGOMERY: Matthew Montgomery for 09:11  
9 plaintiffs, Bleichmar Fonti & Auld. 09:11  
10 MR. MELAMED: Matt Melamed for plaintiffs, 09:11  
11 Bleichmar Fonti & Auld. 09:11  
12 MS. LAUFENBERG: Cari Laufenberg for 09:11  
13 plaintiffs from Keller -- 09:11  
14 THE REPORTER: I'm sorry, one more time, 09:11  
15 please. 09:11  
16 MS. LAUFENBERG: Cari Laufenberg for 09:11  
17 plaintiffs from Keller Rohrbach. 09:11  
18 MR. KO: David Ko of Keller Rohrbach also 09:11  
19 on behalf of the plaintiffs. Good morning. 09:12  
20 MR. LOESER: Good morning. Derek Loeser 09:12  
21 from Keller Rohrbach for plaintiffs. 09:12  
22 MS. STEIN: Are you ready for defendant? 09:12  
23 Deborah Stein from Gibson, Dunn on behalf 09:12  
24 of defendant Facebook. 09:12  
25 MS. CLARK: Martie Kutscher Clark from 09:12

1 Gibson, Dunn also on behalf of Facebook. 09:12

2 MS. MUMM: Laura Mumm from Gibson, Dunn on 09:12

3 behalf of Facebook. 09:12

4 MR. CHEN: And this is Ian Chen. I am 09:12

5 in-house counsel for Facebook. 09:12

6 THE VIDEOGRAPHER: Would the court 09:12

7 reporter please swear in the witness. 09:12

8 09:13

9 KONSTANTINOS PAPAMILTIDIS, 09:13

10 being first duly sworn or affirmed to testify 09:13

11 to the truth, the whole truth, and nothing but 09:13

12 the truth, was examined and testified as follows: 09:13

13 THE REPORTER: Proceed, Counsel. 09:13

14 EXAMINATION 09:13

15 BY MS. WEAVER: 09:13

16 Q. Good morning. And thank you very much for 09:13

17 being here this morning and as we adjust to this new 09:13

18 process. 09:13

19 May I address you as K.P. throughout the 09:13

20 deposition or would you prefer Mr. Papamiltiadis? 09:13

21 A. I don't need to ask counsel's permission 09:13

22 to answer that question. I guess you can. 09:13

23 Q. All right. You come prepared. 09:13

24 I'm going to start by marking a couple of 09:13

25 exhibits, and I think that you've practiced with 09:13

1	BY MS. WEAVER:	09:57
2	Q. Do you have an Exhibit 3?	09:57
3	A. So we're going to 3?	09:57
4	Q. We are going to 3.	09:58
5	A. Okay. I don't see it yet.	09:58
6	Q. I think you might need to refresh.	09:58
7	Do you have Exhibit 3 yet?	09:58
8	A. Yes.	09:58
9	Q. Okay.	09:58
10	MS. WEAVER: For the record, Exhibit 3 is	09:58
11	an email dated May 8, 2014, with some attachments.	09:58
12	Q. Have you seen Exhibit 3 before?	09:58
13	A. No, I haven't.	09:58
14	Q. Okay. Did --	09:58
15	MS. STEIN: Why don't you give the witness	09:58
16	an opportunity to review the document.	09:58
17	MS. WEAVER: Okay. Thanks, Deb. You were	09:58
18	about to get in trouble.	09:58
19	Q. So there's the cover email, K.P., but if	09:58
20	you look at the attachment, and I direct your	09:58
21	attention to the Bates number that ends with 424.	09:58
22	Remember the -- if you look at the bottom there.	09:58
23	THE WITNESS: Yes, I've seen those pages,	09:58
24	yes.	09:59
25		

1 BY MS. WEAVER: 09:59

2 Q. Okay. And when did you last see them? 09:59

3 A. Either yesterday or Friday. 09:59

4 Q. When did you first see them? 09:59

5 A. Maybe Friday. 09:59

6 Q. Okay. You hadn't seen them before Friday? 09:59

7 A. No. 09:59

8 Q. Is that right? Okay. 09:59

9 Do you have an understanding as to what 09:59

10 Exhibit 3 is? 09:59

11 A. I don't know the contents of the email, 09:59

12 but I think I can understand the page that you asked 09:59

13 me to look at, what it meant to be. 09:59

14 Q. Okay. And what is your understanding? 09:59

15 A. It's definition of different data that 09:59

16 Facebook may have accessed. 09:59

17 Q. Okay. And let me back up again. This is 09:59

18 foundational. Do people communicate by email at 09:59

19 Facebook? 09:59

20 A. It's one of the ways to communicate, yes. 09:59

21 Q. How else do people communicate in the 09:59

22 course of doing business at Facebook? 09:59

23 A. We use a version of the product that is 09:59

24 designed for the business world called Workplace. 09:59

25 We use a version of our Messenger product, which is 10:00

1      also an example, a device called Workset. We use 10:00  
2      emails. We use Zoom. We use other 10:00  
3      videoconferencing facilities. We use our telephones 10:00  
4      to call each other. Different ways. 10:00  
5           Q. And people text as well; is that right? 10:00  
6           A. We don't like text messaging. We have our 10:00  
7      own messaging apps. 10:00  
8           Q. Just out of curiosity, is the Facebook 10:00  
9      Messenger that people that work at Facebook use, is 10:00  
10     that different than the Facebook Messenger that 10:00  
11     users on the platform use, or is it the same? 10:00  
12           A. I mean I use Messenger the same way you 10:00  
13     would use it. But internally I don't use that 10:00  
14     version of the product. I use an Enterprise 10:00  
15     personal product -- 10:00  
16           Q. Okay. 10:00  
17           A. -- which is called Workset. 10:00  
18           Q. And what's the difference functionally 10:00  
19     between those two? 10:00  
20           MS. STEIN: Objection. This is like way 10:00  
21     beyond the scope about what employees at Facebook 10:00  
22     use. 10:01  
23           MS. WEAVER: Okay. Fine. It's fine. I 10:01  
24     was trying to establish a foundation, but I guess we 10:01  
25     can come back to that in another deposition. 10:01

1 Q. So, K.P., back to Exhibit 3. Do you who 10:01  
2 Simone LiTrenta is? 10:01  
3 A. No. 10:01  
4 Q. Okay. Looking at just the cover email, do 10:01  
5 you recognize the names of anybody on this email as 10:01  
6 individuals who work at Facebook? 10:01  
7 A. I recognize Matt Scutari, Rob Sherman, and 10:01  
8 Erin Egan. 10:01  
9 Q. And you understand that those are 10:01  
10 employees of Facebook during the time this email was 10:01  
11 written; is that right? 10:01  
12 A. That is 2014? Yes, I believe so. 10:01  
13 Q. Okay. And do you believe Exhibit 3 to be 10:01  
14 an email sent by employees at Facebook in the 10:01  
15 regular course of business? 10:01  
16 A. Yes, that looks like. 10:01  
17 Q. Okay. Do you have an understanding as to 10:01  
18 what the materials that are attached to this email 10:02  
19 are? 10:02  
20 A. I think it's a set of definitions that -- 10:02  
21 or slides that were meant to be presented at an 10:02  
22 off-site. 10:02  
23 Q. Okay. And what is -- do you know what the 10:02  
24 global policy team is? 10:02  
25 A. Yes. 10:02

1 Q. What is it? 10:02

2 A. It's a team that is responsible for our 10:02

3 relationships with governments and regulators. 10:02

4 Q. Okay. And just again by way of 10:02

5 understanding how Facebook functions, you see 10:02

6 there's a Dropbox hyperlink here in the email? 10:02

7 A. Yes. 10:02

8 Q. Does Facebook also use Dropbox? 10:02

9 MS. STEIN: Objection to form. This 10:02

10 isn't -- not an ESI depo and he is not testifying 10:02

11 about what Facebook uses internally. Let's focus on 10:02

12 the subjects that he's here for. 10:02

13 MS. WEAVER: I'm trying to understand if 10:02

14 this document is complete, and that's a little bit 10:02

15 difficult to do. So are you going to instruct him 10:03

16 not to answer? 10:03

17 MS. STEIN: Is there a reason why you 10:03

18 think the document is not complete? 10:03

19 MS. WEAVER: Okay. Let me question. 10:03

20 Q. So is it true that Facebook -- people use 10:03

21 Dropbox at Facebook to share document files? 10:03

22 A. Can I answer? 10:03

23 Q. Yes. 10:03

24 A. Sorry, I was looking at the document. 10:03

25 Q. No problem. 10:03

1	A. It's -- it's true that for files that are	10:03
2	concise that are too big to send by email we would	10:03
3	use Dropbox.	10:03

4	Q. Okay. Is there any way to know whether or	10:03
5	not a hard copy version of a document like this was	10:03
6	everything that was contained in the hyperlink or	10:03
7	would you have to see it in native form?	10:03

8 MS. STEIN: Objection to form. 10:03

9	Lesley, next.	10:03
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10 BY MS. WEAVER: 10:03

11	Q. Please answer the question.	10:03
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12	A. I'm not sure I understand exactly what you	10:03
13	saying. I don't even know what you have printed	10:03
14	out, so I cannot really establish whether it's a	10:03
15	complete document or not.	10:03

16	Q. Okay. Is there -- normally -- let me ask	10:03
17	this. Does Facebook maintain document like --	10:04
18	documents like this in PDF form or are they native?	10:04

19 MS. STEIN: Objection to form. 10:04

20	Lesley, move on.	10:04
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21 BY MS. WEAVER: 10:04

22	Q. Please answer the question.	10:04
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23 MS. STEIN: It's not an ESI deposition. 10:04

24	Move on.	10:04
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25 MS. WEAVER: I'm trying to understand this 10:04



1 document, which we gave to you ahead of time, and 10:04  
2 whether or not it's complete. So please allow him 10:04  
3 to answer. 10:04  
4 MS. STEIN: Ask him if he knows whether 10:04  
5 it's complete. Don't ask him about things that have 10:04  
6 nothing to do with what he's here to testify about 10:04  
7 here today. He's not authorized on behalf of 10:04  
8 Facebook to talk about Dropbox, email, messaging 10:04  
9 that gets used internally. 10:04  
10 BY MS. WEAVER: 10:04  
11 Q. So, K.P., can I ask you, is there any kind 10:04  
12 of -- for Dropbox is there any -- well, just -- I'll 10:04  
13 move on. I'll come back to it. 10:04  
14 So looking back at Exhibit 3, and turning 10:04  
15 to the first page ending at Bates number 424 -- 10:04  
16 A. 424, yes. 10:05  
17 Q. -- it says "Ads and Measurement" on top. 10:05  
18 Do you see that? 10:05  
19 A. Yes. 10:05  
20 Q. And you said earlier that you know who Rob 10:05  
21 Sherman is; is that right? 10:05  
22 A. Yes, I do. 10:05  
23 Q. And who is he? 10:05  
24 A. He's the VP of privacy. 10:05  
25 Q. And he's still at Facebook; is that right? 10:05

1	A. Yes, he is.	10:05
2	Q. Okay. And do you have an understanding as	10:05
3	to what this page represents?	10:05
4	A. I think that's a list of things that	10:05
5	supposing Facebook receives about people.	10:05
6	Q. Okay. And, in fact, it says at the top of	10:05
7	the document "What kinds of information does	10:05
8	Facebook receive about people?" Is that correct?	10:05
9	A. Uh-huh, that's what it says, yes.	10:05
10	Q. Fair enough.	10:05
11	So did you talk to Mr. Sherman to prepare	10:05
12	for your deposition today?	10:05
13	A. No, I haven't spoken to him.	10:05
14	Q. Did you speak to anybody other than your	10:06
15	counsel to prepare for your deposition today?	10:06
16	A. No, I haven't.	10:06
17	Q. And how long did you take to prepare for	10:06
18	your deposition?	10:06
19	A. I think I already answered that question.	10:06
20	I been preparing for this deposition for as long as	10:06
21	I have been at Facebook.	10:06
22	Q. Fair enough.	10:06
23	A. It's a collective -- collective knowledge	10:06
24	of my last 8 and a half years of being employed at	10:06
25	this company.	10:06

1 Q. Okay. And specifically to prepare for 10:06  
2 this deposition in response to this notice, how much 10:06  
3 time did you spend preparing? 10:06  
4 A. I don't know. Between, you know, calls 10:06  
5 with my counsels and homework that I have done for 10:06  
6 myself, I would say 15-20 hours. 10:06  
7 Q. Okay. Thank you. 10:06  
8 And looking back now at the page that we 10:06  
9 were looking at ending in Bates number 424, do you 10:06  
10 see that it describes three categories of data on 10:06  
11 the left? 10:06  
12 A. Yes. 10:06  
13 Q. And it says "Native Data, Appended Data 10:07  
14 and Behavioral Data." Do you see that? 10:07  
15 A. Yes. 10:07  
16 Q. Do you have an understanding as to what 10:07  
17 native data is? 10:07  
18 A. I can see that the definition of that is 10:07  
19 data collected through our website apps and branded 10:07  
20 products. 10:07  
21 Q. Okay. And is that consistent with your 10:07  
22 understanding? 10:07  
23 A. Yes, it makes sense. 10:07  
24 Q. Okay. And then what is appended data? 10:07  
25 MS. STEIN: Object to form. 10:07

1 THE WITNESS: Data that is -- what? 10:07

2 MS. STEIN: Objection to form. 10:07

3 BY MS. WEAVER: 10:07

4 Q. I'll repeat the question. What is 10:07

5 appended data? 10:07

6 MS. STEIN: Same objection. 10:07

7 THE WITNESS: It's -- sorry. I have to 10:07

8 look at the document while you're talking. I don't 10:07

9 mean to talk over you. 10:07

10 It's okay I answer the question now? 10:07

11 BY MS. WEAVER: 10:07

12 Q. Yes. 10:07

13 A. Okay. It's data provided by third 10:07

14 parties. 10:07

15 Q. I'm sorry, data provided by -- I just 10:07

16 didn't hear you. 10:07

17 A. Third parties. 10:08

18 Q. Okay. So for the record, appended data is 10:08

19 data provided by third parties; is that correct? 10:08

20 A. Yes, as it is defined here, yes. 10:08

21 Q. Okay. And what is behavioral data? 10:08

22 MS. STEIN: Objection to form. 10:08

23 THE WITNESS: Sorry, I need to switch back 10:08

24 to see -- you don't want to talk. Okay. 10:08

25 So it's data collected for activity on 10:08

1 third parties using the Facebook product. 10:08

2 BY MS. WEAVER: 10:08

3 Q. Okay. And as you sit here today, are 10:08

4 there any other kinds of information Facebook 10:08

5 receives about people other than these three 10:08

6 categories? 10:08

7 A. I don't think so. 10:08

8 Q. Okay. Let's return to our discussion of 10:08

9 native data. Do you have an understanding as to why 10:08

10 the word "native" is being used? What does that 10:08

11 mean? Is it the same as raw data? 10:09

12 MS. STEIN: Objection to form. 10:09

13 THE WITNESS: Every piece of data has a 10:09

14 degree of rawness associated with it. Depends how 10:09

15 you define raw. 10:09

16 BY MS. WEAVER: 10:09

17 Q. Okay. I just didn't quite hear. Every 10:09

18 piece of data has a particular -- 10:09

19 A. (Indecipherable). I'm joking. 10:09

20 They -- if you are talking about raw data, 10:09

21 what do you mean? 10:09

22 Q. Okay. Well, I'm trying to learn from you, 10:09

23 so let me ask you. 10:09

24 A. The IP address -- the IP address is raw 10:09

25 data. 10:09

1 Q. Uh-huh, okay. Good. 10:09

2 A. But it comes through activity that happens 10:09

3 on a native Facebook app. The "native" means, in my 10:09

4 mind, the way I see the definition there, as 10:09

5 activity that's happening on Facebook platform. 10:09

6 Q. Okay. So for the record, native data is 10:09

7 data relating to activity on the Facebook platform; 10:09

8 is that right? 10:09

9 A. Correct. 10:09

10 Q. Okay. And so when we -- [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 10:10

22 Q. Okay. Can you think of any other branded 10:10

23 apps in the United States that were used during 2012 10:10

24 to 2017? 10:10

25 A. Facebook branded apps? Messenger, 10:10

1 Instagram. 10:10

2 Q. Great. Thank you. 10:10

3 And then on the right it seems -- this 10:10

4 chart seems to further break down categories of 10:10

5 native data. Do you see that? 10:10

6 A. Yes. 10:10

7 Q. Okay. And there's a column or really a 10:10

8 box that says "Explicitly collect." Do you see 10:10

9 that? 10:11

10 A. Yes. 10:11

11 Q. And then it lists profile info, email 10:11

12 address, phone number, et cetera. And then below 10:11

13 that it says "Implicitly collect." And it lists a 10:11

14 number of data. And then under that it says "Infer 10:11

15 from engagement on the site." Do you see all of 10:11

16 those boxes? 10:11

17 A. Yes. 10:11

18 Q. Okay. Do you have an understanding as to 10:11

19 what "Explicitly collect" means? 10:11

20 A. Explicitly collect -- I'm sorry, I'm 10:11

21 looking back. Explicitly collect is something the 10:11

22 user has submitted on their own. 10:11

23 Q. Okay. And so that means that a user has 10:11

24 taken an action to share the data; is that fair? 10:11

25 A. Correct. 10:11

1 Q. Okay. And so what does "Implicitly 10:11  
2 collect" mean? 10:11  
3 MS. STEIN: Object to form. 10:11  
4 THE WITNESS: So that would mean 10:11  
5 activities related to data. 10:11  
6 BY MS. WEAVER: 10:11  
7 Q. I'm sorry, did you -- 10:11  
8 A. So -- so -- just to draw the distinction, 10:12  
9 right, this is data that we collect during someone's 10:12  
10 use of the Facebook app. So the IP address or the 10:12  
11 device information is not something that the user 10:12  
12 would have to type in and say, hey, this is my IP 10:12  
13 address. It's something that we would collect when 10:12  
14 a user uses Facebook because we would know which IP 10:12  
15 address they are accessing Facebook from. 10:12  
16 Q. Is it fair to say that the kinds of data 10:12  
17 that Facebook implicitly -- implicitly collects is 10:12  
18 data that Facebook observes? 10:12  
19 A. Observes? It's confusing me. So what do 10:12  
20 you mean by that? 10:12  
21 Q. Okay. No, I'm just trying to understand 10:12  
22 and put it in English for a layperson by -- so you 10:12  
23 understand what I'm trying to do here. So let me 10:12  
24 try to ask a better question. 10:12  
25 Is it fair to say that the data that is 10:12



1 implicitly collected by Facebook is not expressly 10:12  
2 shared by users? 10:12  
3 MS. STEIN: Objection to form. 10:12  
4 THE WITNESS: So they may not be explicit 10:13  
5 shared because they submit the data to us, but they 10:13  
6 have agreed to share that data because they have 10:13  
7 agreed to the privacy policies -- 10:13  
8 BY MS. WEAVER: 10:13  
9 Q. Okay. 10:13  
10 A. -- that make it clear that we will have 10:13  
11 access to this kind of data. 10:13  
12 Q. Okay. And do you see where it says 10:13  
13 "Device identifiers" here? 10:13  
14 A. Yes. 10:13  
15 Q. And it lists a number of identifiers. Do 10:13  
16 you see that? 10:13  
17 A. Yes. 10:13  
18 Q. Okay. And what is UDID? 10:13  
19 A. I think it's another way of calling the 10:13  
20 Android ID. 10:13  
21 Q. And then what is IDFA? 10:13  
22 A. It's an Apple identifier. 10:13  
23 Q. And Google Ad ID, do you see that? 10:13  
24 A. Yes. 10:13  
25 Q. And what is that? 10:13

1 A. I think that's an ID used specifically 10:13

2 around Google ads. 10:13

3 Q. Okay. So does Facebook implicitly collect 10:13

4 device identifiers? 10:13

5 A. We have access to those identifiers. 10:14

6 Q. Okay. And it also collects location 10:14

7 device, GPS, Wi-Fi, IP address, phone number, 10:14

8 carrier and device type; is that right? 10:14

9 A. Yes. 10:14

10 MS. STEIN: Object. Objection to form. 10:14

11 BY MS. WEAVER: 10:14

12 Q. [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] 10:14

15 A. Yes, I do. 10:14

16 Q. What does that refer to? 10:14

17 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

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Q. How did you know?

10:15

7

So how does Facebook retain that

10:15

8

information once it draws that inference?

10:15

9

A. You know, there would be --

10:15

10

MS. STEIN: Objection.

10:15

11

THE WITNESS: There would be a list of

10:15

12

potential interest that would be derived by your

10:15

13

affinity to certain entities on the platform,

10:15

14

certain businesses on the platform.

10:15

15

BY MS. WEAVER:

10:15

16

Q. And how does Facebook record those

10:15

17

interests, if you will?

10:15

18

MS. STEIN: Objection to form.

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24

BY MS. WEAVER:

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MS. STEIN: Objection. Form.

THE WITNESS: What do you mean?

BY MS. WEAVER:

Q. Well, I'm trying to understand. Facebook receives explicitly collected data; is that right?

A. Yes.

Q. And where does it receive it and where does it go? Where does the data go?

A. It's a -- it's a very complicated question, so let me try to answer it may be with, you know, like a high-level perspective.

So when you come to Facebook for the first time in your life you will create an account, right? To create an account you need to provide the

1 username and a password. And then it will ask you a 10:17  
2 couple of questions. What is your first name? What 10:17  
3 is your last name? What is your date of birth, and 10:17  
4 so on and so on. 10:17

5 All that information lives in some, you 10:17  
6 know, database somewhere, right? The next time you 10:17  
7 come to Facebook you decide to post a photo of 10:17  
8 yourself, you know, celebrating your birthday. That 10:17  
9 information lives somewhere in a distributed 10:17  
10 database, right? 10:17

11 Then some people will start liking your 10:17  
12 page, saying -- will most likely be your friends. 10:17  
13 That information is captured somewhere about who has 10:17  
14 liked your photo. 10:17

15 Then the next day you come in and you -- 10:17  
16 you like Beyonce's page because you just saw her two 10:17  
17 months and you want to keep up with her work. That 10:18  
18 information is captured somewhere. 10:18

19 But all that information is available 10:18  
20 to -- to you, right? You can go into your Facebook 10:18  
21 settings and you can find all that information. 10:18

22 Q. Okay. When you say it is captured 10:18  
23 somewhere, where is the somewhere? 10:18

24 A. It depends on, you know, what is that you 10:18  
25 are looking for, right? It's not a single place. 10:18

1 Q. Use your example. I go on Facebook's 10:18  
2 website and I take an action. Where is that 10:18  
3 captured? You said it's captured somewhere. Where 10:18  
4 is the somewhere? 10:18

5 A. Well, if it's about an activity, it maybe 10:18  
6 something like Hive. 10:18

7 Q. Okay. 10:18

8 A. That's a database. 10:18

9 Q. And what if it's a like? 10:18

10 A. Again, it's an activity. 10:18

11 Q. Okay. [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

14 Q. Yes. 10:19

15 A. Probably nowhere. 10:19

16 Q. Okay. [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

21 A. Yes. 10:19

22 Q. Okay. [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 10:19

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A. I'm really sorry, but I'm having a hard

time hearing. Is it me or is it your mic?

MS. WEAVER: I'm not having a hard time

hearing.

MS. STEIN: It's the mic.

MS. WEAVER: Oh, okay. Can you hear me

now or is it --

Q. Okay. So I'll repeat the question.

Q. And --

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1 understanding? 10:21

2 MS. WEAVER: I'm asking Facebook what a 10:21

3 data broker is. 10:21

4 THE WITNESS: According to this document 10:21

5 it's a -- a list of third parties, including, you 10:21

6 know, like public records, DMVs or auto 10:21

7 registration, you know, authorities, supermarkets, 10:21

8 retailers and so on that provide access to certain 10:21

9 information. 10:21

10 BY MS. WEAVER: 10:21

11 Q. Do you know what a data broker is? 10:21

12 A. My definition of data broker? 10:21

13 Q. Yes. 10:22

14 A. Anybody that has access to a broad set of 10:22

15 data. 10:22

16 Q. Okay. Is Facebook a data broker? 10:22

17 A. No. 10:22

18 Q. Okay. Did you talk to anybody -- well, 10:22

19 strike that. 10:22

20 Do you see where it says "Partner 10:22

21 categories" on this document? 10:22

22 A. Yes. 10:22

23 Q. What does that refer to? 10:22

24 A. I guess a list of different categories I 10:22

25 listed myself. It's also documented here. 10:22

1 Q. And so do you see to the right there it 10:22  
2 says "Public records, auto registration data, 10:22  
3 supermarket loyalty cards, retail purchases, credit 10:22  
4 card purchases," et cetera, on the right? 10:22  
5 A. Yes. 10:22  
6 Q. And is it your understanding that those 10:22  
7 are examples of the kind -- kinds of data that 10:22  
8 Facebook collects from data brokers? 10:22  
9 A. Yes. I don't know if it's exhaustive or 10:23  
10 not, but I would imagine that it is exhaustive. 10:23  
11 Q. Thank you. And then underneath that do 10:23  
12 you see where it says "Advertisers"? 10:23  
13 A. Yes. 10:23  
14 Q. What is an advertiser? 10:23  
15 A. Someone that is running marketing 10:23  
16 companies on Facebook. 10:23  
17 Q. Okay. And then there's a parenthetical 10:23  
18 that refers to "Custom audiences, offline conversion 10:23  
19 measurement." Do you see that? 10:23  
20 A. Yes. 10:23  
21 Q. What is custom audiences? 10:23  
22 A. A custom audience is a reference to a 10:23  
23 products whereby a business can upload and encrypt 10:23  
24 its -- a version of their database of customers for 10:23  
25 the purpose of running a campaign that targets those 10:23

1 customers. 10:23

2 Q. Okay. I want to break that down a little 10:23

3 bit. 10:23

4 MS. WEAVER: I'm not seeing that on my 10:23

5 live feed. 10:23

6 Could you read his response back, please. 10:24

7 (The record was read by the 10:24

8 court reporter, as requested) 10:24

9 BY MS. WEAVER: 10:24

10 Q. Okay. And when you say "encrypt," what do 10:24

11 you mean? 10:24

12 A. They wouldn't upload the raw data. They 10:24

13 would upload a version of that data. 10:24

14 THE REPORTER: I'm sorry, could you repeat 10:24

15 that last part, please? 10:24

16 THE WITNESS: They wouldn't upload raw 10:24

17 customer data. They would upload encrypted personal 10:24

18 or hashed personal data. 10:24

19 BY MS. WEAVER: 10:24

20 Q. Thank you. And when you say "raw customer 10:24

21 data," what do you mean? 10:24

22 A. Email addresses. 10:24

23 Q. Anything else? 10:24

24 A. No. 10:24

25 Q. And what does "offline conversion 10:24

1 measurement" mean? 10:24

2 A. So imagine that you see an ad campaign 10:24

3 from Walmart, but you don't necessarily click on 10:25

4 that to buy the specific thing that they advertise. 10:25

5 But eventually you visit the Walmart and you end up 10:25

6 purchasing something, not necessarily the same item 10:25

7 from Walmart. 10:25

8 If Walmart wanted to track the offline 10:25

9 conversion, the fact that you purchased something 10:25

10 from them in their retail location, they could 10:25

11 actually made available some encrypted data again 10:25

12 back to us, and we would confirm to them that a 10:25

13 certain percentage of people that have interacted 10:25

14 with Walmart offline have actually seen the ads that 10:25

15 Walmart has run. 10:25

16 Q. So what does "conversion" mean in that 10:25

17 sentence? Purchase? 10:25

18 A. It's defined by the advertiser. Because 10:25

19 the -- the advertiser may optimize for store visits 10:25

20 versus others that may optimize for purchases, 10:26

21 right? So -- 10:26

22 Q. So conversion is taking some action as 10:26

23 defined by the advertiser; is that correct? 10:26

24 A. Correct. 10:26

25 Q. And that could also include engaging in -- 10:26

1 well, strike that. 10:26

2 Could conversion also include a like or 10:26

3 agreeing to become a member of a group? 10:26

4 A. "No" in that context because we are 10:26

5 talking about offline conversion. 10:26

6 Q. Got it. Does advertisers here also 10:26

7 include political campaigns? 10:26

8 A. I'm looking at the -- sorry. Sorry. I 10:26

9 need to answer that, I guess. What do you mean? In 10:26

10 what context? 10:26

11 Q. Do political campaigns advertise? 10:26

12 A. Yes, they do. 10:26

13 Q. Okay. And when they are seeking 10:26

14 conversion, are they seeking to encourage certain 10:26

15 actions by Facebook users? 10:26

16 MS. STEIN: Objection to form. 10:27

17 THE WITNESS: Yeah, but that wouldn't 10:27

18 include, you know, like what people voted. It would 10:27

19 probably include if they read, or if they donated, 10:27

20 or if they took an action on their website, 10:27

21 depending on what the campaign is actually optimized 10:27

22 for. 10:27

23 BY MS. WEAVER: 10:27

24 Q. Got it. 10:27

25 A. But, no, the conversion wouldn't be that I 10:27

1 voted for Biden or I voted for Trump. That's not -- 10:27

2 THE REPORTER: I'm sorry, could you please 10:27

3 slow down. The last part? 10:27

4 THE WITNESS: Oh, sorry. 10:27

5 THE REPORTER: "The conversion"... 10:27

6 THE WITNESS: The conversion that 10:27

7 political campaigns are tracking have to do with 10:27

8 fundraising, donations, registration, this kind of 10:27

9 things. 10:27

10 BY MS. WEAVER: 10:27

11 Q. Okay. And so Facebook provides conversion 10:27

12 measurement information back to the advertisers 10:27

13 which could include political campaigns; is that 10:27

14 right? 10:27

15 MS. STEIN: Objection to form. 10:27

16 THE WITNESS: Yes. 10:27

17 BY MS. WEAVER: 10:27

18 Q. And then do you see on the right of 10:27

19 Advertisers it says "Existing customer 10:27

20 relationships"? Do you see that? It's to the right 10:27

21 of Advertisers. 10:28

22 A. Yes. 10:28

23 Q. What does "Existing customer 10:28

24 relationships," that subcategories of advertisers, 10:28

25 refer to? 10:28

1           A.    And so going back to our example earlier,           10:28  
2    if -- if you are Walmart again, and you know that --       10:28  
3    let's say there are thousands of people that               10:28  
4    attempted to purchase a TV from Walmart's website       10:28  
5    and you have an understanding of the email addresses       10:28  
6    of those people. Then you can encrypt those email       10:28  
7    addresses, make them available to Facebook to create       10:28  
8    what we call a custom audience.                           10:28

9           And then Facebook will, you know, like --       10:28  
10   can target those specific users to the extent that       10:28  
11   they are also Facebook users, of course, with an ad       10:28  
12   that offers them, let's say, a discount for that       10:28  
13   specific TV.   10:28

14          Q.    What do you mean by "encrypt"?           10:28

15          A.    Again we -- we want to have access to       10:29  
16   their raw email addresses. We will have access to       10:29  
17   hashed personal email addresses and then we will       10:29  
18   match them with the hashed personal email address we       10:29  
19   have on record and find those users that have both a       10:29  
20   Walmart account and a Facebook account.               10:29

21          Q.    So what is the difference between       10:29  
22   encryption and hashing?                                   10:29

23          A.    It's same thing in that sense.           10:29

24          Q.    It is the same thing?                   10:29

25          A.    Yeah.                                       10:29

1 Q. Is it true that hashing has two inputs -- 10:29  
2 well, let me go back. Is it fair to say that 10:29  
3 encryption has two inputs so that if you have a key, 10:29  
4 you can associate data point together; is that fair? 10:29

5 MS. STEIN: Object to form. He's not here 10:29  
6 as a technical expert, so... 10:29

7 You can give your high-level 10:29  
8 understanding, if you have one. 10:29

9 THE WITNESS: Yes, I don't -- I don't 10:29  
10 want -- I don't want to talk about, you know, like 10:29  
11 encryption. But it's important here, I think, to 10:29  
12 take away is that we don't have access to those 10:29  
13 email addresses and they don't have access to the 10:30  
14 people who we ended up identifying as users who have 10:30  
15 both a Facebook account and a Walmart account. 10:30

16 BY MS. WEAVER: 10:30

17 Q. [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]



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Q. So could you, please, explain what hashed data matching is?

A. If an advertiser has information about a user, a customer of theirs, like their email address -- I didn't realize that we can actually be based on phone number or home address, but if it seems to be the case, then that's basic data that we can use to match those users on the Facebook site.

Q. And do you see that there's an arrow here that goes from "Email address, phone number and address," it's a dotted line but goes to "Hashed data matching," and then it goes down to "Appended Data"? Do you see that?

A. Yes, I do. I do see that.

Q. Okay. And so what's your understanding of what those arrows mean?

A. No idea.

1

[REDACTED]

[REDACTED]

2

[REDACTED]

[REDACTED]

3

[REDACTED]

[REDACTED]

4

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

18

[REDACTED]

[REDACTED]

19

[REDACTED]

10:32

20

Q. Okay. So Facebook is getting data about,

10:32

21

for example, that I had something in my cart that I

10:32

22

didn't purchase; is that right?

10:32

23

MS. STEIN: Object to form.

10:32

24

THE WITNESS: No, not that, no.

10:32

25

1 BY MS. WEAVER: 10:32

2 Q. Okay. Who has it? You just gave that as 10:32

3 an example. 10:32

4 A. Yeah, but that is a logic that takes place 10:32

5 on the advertiser's side. 10:32

6 Q. Okay. 10:32

7 A. The advertiser selects the marketing team 10:32

8 on the advertiser side to decide what kind of 10:32

9 campaign they want to run. And they create a 10:33

10 segment of their customers that they want to target 10:33

11 with their ad campaign, and then they will decide 10:33

12 what creative they want to use, like how the ad is 10:33

13 going to look like. 10:33

14 Q. Right. But this is a list of information 10:33

15 that Facebook receives, right? 10:33

16 MS. STEIN: Objection to form. 10:33

17 THE WITNESS: [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

20 BY MS. WEAVER: 10:33

21 Q. Okay. Looking at this chart here, it's 10:33


22 labeled, "What kinds of information does Facebook 10:33

23 receive?" correct? 10:33

24 MS. STEIN: Objection to form. 10:33

25 (Background audio interference.) 10:33

1 MS. WEAVER: Somebody needs to put their 10:33  
2 phones on mute or their computers on mute. 10:34  
3 Q. Returning to the document, sir, isn't this 10:34  
4 page a list of information that Facebook receives 10:34  
5 about people? 10:34  
6 MS. STEIN: Objection to form. 10:34  
7 THE WITNESS: We received information that 10:34  
8 an associate hashed email address with a Walmart 10:34  
9 customer. 10:34  
10 MS. WEAVER: Okay. Tat's -- I'll just 10:34  
11 move to strike as nonresponsive. We will move on. 10:34  
12 Q. Going back to this category that says 10:34  
13 "Both." Do you see that, near Appended Data? 10:34  
14 A. Yes. 10:34  
15 Q. What does "both" mean? 10:34  
16 MS. STEIN: Objection to form. 10:34  
17 THE WITNESS: A combination of advertisers 10:34  
18 and data brokers, I assume. 10:34  
19 THE REPORTER: I'm sorry, could you repeat 10:34  
20 that, please. Information? 10:34  
21 THE WITNESS: A combination of advertisers 10:34  
22 and data brokers. 10:34  
23 BY MS. WEAVER: 10:34  
24 Q. [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 10:34

1		10:34
2	MS. STEIN: Objection to form. The	10:35
3	document speaks for itself.	10:35
4	MS. WEAVER: I'm here to depose him about	10:35
5	the document, Deb. It was identified ahead of time.	10:35
6	Please answer the question.	10:35
7	MS. STEIN: Yeah, Lesley, this document is	10:35
8	all about targeted advertising, and you've been	10:35
9	going on for about an hour about targeted	10:35
10	advertising which isn't even in this case. It's	10:35
11	outside the scope of this case.	10:35
12	MS. WEAVER: You can instruct him not to	10:35
13	answer if you want, but I'm actually --	10:35
14	MS. STEIN: Lesley, I've let this witness	10:35
15	testify for an hour about targeted advertising. So	10:35
16	if you want to ask him about the scope of this	10:35
17	deposition, you're free to, but suggesting that just	10:35
18	because you sent us a document about targeted	10:35
19	advertising --	10:35
20	MS. WEAVER: Deb, stop lecturing and	10:35
21	wasting my minutes with the witness, please.	10:35
22	MS. STEIN: Lesley, I am stating my	10:35
23	position for the record. This is a 30(b)(6)	10:35
24	deposition on a specific set of topics. You've gone	10:35
25	beyond the scope. I've been very liberal in that.	10:35

1 I will let the witness continue answering 10:35  
2 some more questions, but if it continues focusing on 10:35  
3 targeted advertising, then we're going to have to 10:36  
4 move on. 10:36  
5 BY MS. WEAVER: 10:36  
6 Q. So the question -- I'm sorry, K.P. -- the 10:36  
7 question is this: [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 10:36  
11 MS. STEIN: Objection to form. 10:36  
12 THE WITNESS: I don't know the definition 10:36  
13 of an "[REDACTED]." 10:36  
14 BY MS. WEAVER: 10:36  
15 Q. Okay. 10:36  
16 A. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 10:36  
20 Q. Thank you. 10:36  
21 And does Facebook also receive behavioral 10:36  
22 data? 10:36  
23 A. In what context? 10:36  
24 Q. Well, I'm just reading from the chart. Do 10:36  
25 you see where it says "Behavioral Data"? 10:36

1 A. Okay. In the context of this document -- 10:36

2 Q. Yes. 10:36

3 A. -- not in the context of appended data? 10:36

4 Yes, we do collect. 10:36

5 Q. Yes. I'm so sorry. So I'll ask the 10:36

6 question again. Does Facebook also receive 10:36

7 behavioral data about people? 10:36

8 A. Yes. 10:36

9 Q. Okay. [REDACTED] [REDACTED]

10 [REDACTED] 10:36

11 A. Yes. 10:37

12 Q. What does that refer to? 10:37

13 A. [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] . 10:37

16 Q. Okay. [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED] 10:37

23 Q. Okay. And then "Web SDK," do you see 10:37

24 that? 10:37

25 A. Yes. 10:37

1 Q. What does that refer to? 10:37

2 A. So this is the version of the SDK that is 10:37

3 used by websites. 10:37

4 Q. Okay. And did that change over time? 10:37

5 A. Yes, we update the SDKs quite regularly. 10:38

6 Q. Okay. And "Mobile SDK," what is that? 10:38

7 A. This is the SDK that is used by native 10:38

8 apps, meaning iOS and Android. 10:38

9 Q. Okay. I just want to go back to 10:38

10 behavioral data for a minute. What is behavioral 10:38

11 data as opposed to appended data? 10:38

12 A. I think we discussed about that before. 10:38

13 So I'll try to repeat my previous response. 10:38

14 So behavioral data is activities happening 10:38

15 on third-party sites that are being captured through 10:38

16 a Facebook product, a pixel or an SDK. 10:38

17 Q. Okay. I see that I guess the videographer 10:38

18 would like to take a quick break. So do you want to 10:38

19 just -- is that comfortable for you, K.P., to take a 10:38

20 break for a little bit here? 10:38

21 A. Yes, I need a coffee. 10:38

22 MS. WEAVER: Okay. So why don't we come 10:38

23 back at, do you want to say, 10:50? 10:38

24 THE WITNESS: 10 minutes from now? 10:38

25 MS. WEAVER: Yeah, does that work? Well, 10:39



1	1	11 minutes? Okay. Great.	10:39
	2	THE VIDEOGRAPHER: We are off the record	10:39
2		10:39 3 at a.m.	
		10:39	
3	4	(Recess.)	10:39
		10:39 5 (Off record:	a.m.)
4		10:39	
5	6	(On record: 10:53 a.m.)	10:39
6	7	THE VIDEOGRAPHER: We are on the record at	10:53
7		10:53 8 a.m.	
8		10:53	
9	9	BY MS. WEAVER:	10:53
10	10	Q. Hello, K.P. You understand you are still	10:53
11	11	under oath, correct?	10:53
12	12	A. Yes, I do.	10:53
13	13	Q. Okay. Returning to where we left off, we	10:53
14	14	were discussing [REDACTED] before the break.	10:53
15	15	Do you recall that?	10:53
16	16	A. Yes, I do.	10:53
17	17	Q. [REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]
		[REDACTED]	10:53
21	21	A. Correct.	10:53
22	22	MS. STEIN: Object to form.	10:53
23	23	BY MS. WEAVER:	10:53
24	24	Q. [REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]

1 [REDACTED] [REDACTED] [REDACTED]  
2 [REDACTED] 10:54  
3 A. Yes, I do. 10:54  
4 Q. Okay. [REDACTED] [REDACTED]  
5 [REDACTED] [REDACTED]  
6 [REDACTED] 10:54  
7 MS. STEIN: Objection to form. 10:54  
8 THE WITNESS: Yeah. [REDACTED] [REDACTED]  
9 [REDACTED] [REDACTED]  
10 [REDACTED] [REDACTED]  
11 [REDACTED] [REDACTED]  
12 [REDACTED] [REDACTED]  
13 [REDACTED] 10:54  
14 BY MS. WEAVER: 10:54  
15 Q. Okay. And do you see here where it says 10:54  
16 "Explicit actions (likes, logins) off Facebook"? 10:54  
17 A. Yes. 10:54  
18 Q. Do you see that? What does that refer to? 10:54  
19 MS. STEIN: Objection. Asked and 10:54  
20 answered. 10:54  
21 You can answer. 10:54  
22 THE WITNESS: This is in relation to the 10:54  
23 web SDK and refers to activities captured in -- this 10:54  
24 is for the purpose of those examples via the 10:55  
25 Facebook log-in button and a like button. 10:55

1 BY MS. WEAVER: 10:55

2 Q. Okay. [REDACTED] [REDACTED]

3 [REDACTED] 10:55

4 A. Yes. 10:55

5 Q. [REDACTED] 10:55

6 A. [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] 10:55

11 Q. So it was called [REDACTED]; is that 10:55

12 correct? 10:55

13 A. I don't remember the exact name of the 10:55

14 app. 10:55

15 Q. Do you recall that it was a VPN, a virtual 10:55

16 private network? 10:55

17 MS. STEIN: Objection to form. 10:55

18 THE WITNESS: Yes. 10:55

19 BY MS. WEAVER: 10:55

20 Q. [REDACTED] [REDACTED]

21 [REDACTED] 10:55

22 MS. STEIN: Object to form. 10:55

23 THE WITNESS: [REDACTED] 10:55

24 BY MS. WEAVER: 10:55

25 Q. Uh-huh. 10:56

1           A.    I don't think so. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 10:56  
3           Q.    Right. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 10:56  
5                   MS. STEIN:  Objection to form.  Beyond the 10:56  
6   scope. 10:56  
7                   MS. WEAVER:  It relates directly to the 10:56  
8   [REDACTED]. 10:56  
9           Q.    [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 10:56  
11                   MS. STEIN:  Objection to form.  Beyond the 10:56  
12   scope.  This witness is not testifying about -- 10:56  
13                   MS. WEAVER:  Are you instructing him not 10:56  
14   to answer my question about [REDACTED] 10:56  
15                   MS. STEIN:  That it's not subject to this 10:56  
16   testimony.  He's not here -- he knows it -- he's not 10:56  
17   designated -- 10:56  
18                   MS. WEAVER:  State an objection to form or 10:56  
19   instruct him not to answer.  Please don't fill my 10:56  
20   record with your speeches. 10:56  
21                   MS. STEIN:  Okay.  It's not a speech.  I'm 10:56  
22   explaining that this witness came prepared to 10:56  
23   testify about certain things.  He's not a company 10:56  
24   witness on [REDACTED] so he's not answering the 10:56  
25   question. 10:56

1 BY MS. WEAVER: 10:56

2 Q. Do you see to the right of the word 10:56

3 [REDACTED] [REDACTED]

4 [REDACTED] Do you see that? 10:57

5 A. Yes, I see that. 10:57

6 Q. What does that refer to? 10:57

7 A. Again, only guess. 10:57

8 Q. What -- what do you believe it means? 10:57

9 MS. STEIN: The witness should not guess. 10:57

10 If he knows, he can answer. If he does not know, he 10:57

11 should not answer. 10:57

12 THE WITNESS: I don't know. 10:57

13 BY MS. WEAVER: 10:57

14 Q. Okay. Does that refer to the fact that 10:57

15 [REDACTED] [REDACTED]

16 [REDACTED] 10:57

17 MS. STEIN: Objection. The witness just 10:57

18 said he doesn't know. 10:57

19 BY MS. WEAVER: 10:57

20 Q. You can answer the question. 10:57

21 A. I don't know. 10:57

22 Q. Okay. Did you have any personal 10:57

23 involvement with [REDACTED] 10:57

24 A. No, I didn't. 10:57

25 Q. Okay. Do you know who did? 10:57

1	A.	It's a very broad question. So in what	10:57
2		capacity?	10:57
3	Q.	Who oversaw the Onavo project from within	10:57
4		Facebook? It was a partnership, correct?	10:57
5	A.	No, it's not a partnership. It's an	10:57
6		acquisition.	10:57
7	Q.	Okay. So who oversaw that acquisition?	10:57
8	A.	On the Facebook side or --	10:57
9	Q.	Yes.	10:58
0	A.	-- after the acquisition?	10:58
1	Q.	On the Facebook side.	10:58
2	A.	I don't know.	10:58
3	Q.	Okay. What about after the acquisition?	10:58
4	A.	The -- I guess the CEO of Onavo.	10:58
5	Q.	Okay. Move on.	10:58
6		Do you know what an opt-in panel is?	10:58
7	A.	I don't know.	10:58
8	Q.	So I'll turn to the next page on this	10:58
9		document. And that's the one beginning at 425. Do	10:58
0		you see that? It says "Hard Questions" at the top?	10:58
1	A.	Yes.	10:58
2	Q.	Okay. And then do you see where it says	10:58
3		"Does Facebook share my data with advertisers?" Do	10:58
4		you see that?	10:58
5	A.	I see that.	10:58

1 Q. And in quotes it says "We don't share the 10:58  
2 private information that you put on Facebook with 10:58  
3 advertisers without your consent." Do you see that? 10:58  
4 A. I see that. 10:58  
5 Q. And do you see that it's in quotations? 10:58  
6 A. Yes. 10:59  
7 Q. And is that in quotations because that was 10:59  
8 Facebook's policy at the time? 10:59  
9 MS. STEIN: Objection to form. If the 10:59  
10 witness knows what the people who wrote this -- 10:59  
11 MS. WEAVER: Please stop coaching him and 10:59  
12 telling him to say that he doesn't know. 10:59  
13 MS. STEIN: Lesley -- Lesley, do not 10:59  
14 accuse me of coaching. You've gotten -- 10:59  
15 MS. WEAVER: That's strike one. 10:59  
16 Q. Okay. Go ahead, K.P. 10:59  
17 MS. STEIN: Excuse me? 10:59  
18 BY MS. WEAVER: 10:59  
19 Q. I'll ask the question again. Do you know 10:59  
20 at this point in time whether Facebook's policy was, 10:59  
21 "We don't share the private information that you put 10:59  
22 on Facebook with advertisers without your consent"? 10:59  
23 A. I can only speak at a high level. This 10:59  
24 has always been not just the policy but the way we 10:59  
25 operated as a business. 10:59

1 Q. Okay. Thank you. 10:59

2 And then do you see it says "Why do we use 10:59

3 that framing?" right below it? 10:59

4 A. Yes, yes. 10:59

5 Q. Okay. And then there's a bullet point 10:59

6 that says "Though Facebook's policies prohibit 11:00

7 sharing of data with data brokers or similar 11:00

8 entities, we only make commitments about what 11:00

9 Facebook will do." Do you see that? 11:00

10 A. Yes, I do. 11:00

11 Q. Okay. So is it a true statement that at 11:00

12 this time Facebook's policy prohibited sharing of 11:00

13 data with data brokers or similar entities? 11:00

14 A. Yes. 11:00

15 Q. Okay. And do you have an understanding as 11:00

16 to what the "We only make commitments about what 11:00

17 Facebook will do," what does that mean? 11:00

18 A. It means that Facebook as a business only 11:00

19 makes public commitments about things that are 11:00

20 within our control. 11:00

21 Q. Okay. And so I just want to direct your 11:00

22 attention to the bottom bullet point there in the 11:00

23 second sentence. Do you see where it says "Also, we 11:00

24 may in the future operate a 'data cooperative,' or 11:01

25 other product allowing exchange of information that 11:01



1 people haven't given to us directly"? Do you see 11:01  
2 that? 11:01  
3 A. I see that. 11:01  
4 Q. Okay. Do you know what a data cooperative 11:01  
5 is as it's expressed here? 11:01  
6 A. It would probably mean some sort of a 11:01  
7 partnership with data brokers. 11:01  
8 Q. Okay. And do you know if Facebook did 11:01  
9 engage in a data cooperative with data brokers? 11:01  
10 A. No. 11:01  
11 Q. No, you don't know, or, no, they did not? 11:01  
12 A. No, we haven't. 11:01  
13 Q. Okay. What is -- a little bit lower 11:01  
14 there, do you see "Facebook Exchange" referenced? 11:01  
15 A. Yes. 11:01  
16 Q. What does that refer to? 11:01  
17 A. I don't know. 11:01  
18 Q. Okay. There's a question here "How can 11:02  
19 people see what you know about them and control 11:02  
20 their ad experiences?" Do you see that? 11:02  
21 A. Yes, I see that. 11:02  
22 Q. And there's something there that says 11:02  
23 "Context menu." Do you see it? 11:02  
24 A. Yes. 11:02  
25 Q. What is that? 11:02

1	A.	Sorry, I'm searching back so I can see	11:02
2		you.	11:02
3		[REDACTED]	[REDACTED]
4		[REDACTED]	[REDACTED]
5		[REDACTED]	11:02
6	Q.	Okay. And can you -- that was during the	11:02
7		time period in 2012 to 2017?	11:02
8	A.	My -- I don't know exactly when that	11:02
9		option was added, but I believe it was always there.	11:02
10	Q.	Okay. And "Activity Log and Download Your	11:02
11		Information (DYI)." Do you see that?	11:02
12	A.	Yes.	
13	Q.	And it says "See the information you've	11:03
14		put on Facebook that may be used for ads." Do you	11:03
15		see that?	11:03
16	A.	Yes.	11:03
17	Q.	So is it true that -- well, let me back	11:03
18		up. What is the activity log?	11:03
19	A.	It's a list of every single action you	11:03
20		have taken on Facebook.	11:03
21	Q.	Okay. And what is "Download Your	11:03
22		Information"?	11:03
23	A.	It's a user-friendly way of downloading --	11:03
24		it's a file basically, but it's a user-friendly file	11:03
25		of everything that Facebook held -- all the	11:03

1 information that Facebook has for you. 11:03

2 Q. Okay. And going back to the activity log, 11:03

3 it's a list of every single action you have taken on 11:03

4 Facebook. Do you mean on the platform? 11:03

5 A. I believe it's on the platform, yes. 11:03

6 Q. Okay. So is it limited to only the 11:03

7 activity on the platform? 11:03

8 A. The Facebook activity log, yes. 11:04

9 Q. Okay. And back to the DIY. You say it's 11:04

10 all the information that Facebook has for you; is 11:04

11 that correct? 11:04

12 A. Yes. 11:04

13 Q. What do you mean by that? 11:04

14 A. It includes from things from like the 11:04

15 information you submitted when you created your 11:04

16 account, to the photos that you may have uploaded, 11:04

17 to the pixels of your friends you may have liked, to 11:04

18 the ads you may have seen, the videos you may have 11:04

19 watched. It's a -- it's a very lengthy, you know, 11:04

20 like document with different things. 11:04

21 Q. Okay. So going back to the previous page 11:04

22 where we were talking about appended data, does the 11:04

23 DIY tool include appended data? 11:04

24 A. No. 11:04

25 Q. Okay. Does it include behavioral data? 11:04

1 MS. STEIN: Objection to form. 11:04

2 THE WITNESS: Yes, it does. 11:05

3 BY MS. WEAVER: 11:05

4 Q. Okay. So it includes the conversions and 11:05

5 purchases off Facebook? 11:05

6 A. I don't know about that, but it includes 11:05

7 the apps that you have logged in. It includes, I 11:05

8 think, the websites that you may have liked, and so 11:05

9 on. 11:05

10 Q. Okay. Does the Do It Yourself network 11:05

11 include the native data that was inferred from 11:05

12 engagement on the site? 11:05

13 MS. STEIN: Objection to form. 11:05

14 THE WITNESS: I think you're referring to 11:05

15 the DYI file? 11:05

16 BY MS. WEAVER: 11:05

17 Q. Yes. I'll ask the question again. Sorry. 11:05

18 Does the DIY file include native data that 11:05

19 is inferred from engagement on the site? 11:05

20 MS. STEIN: Objection to form. 11:05

21 THE WITNESS: It should include interests, 11:05

22 which are inferred data, so yes. 11:05

23 BY MS. WEAVER: 11:05

24 Q. Does it also include behaviors? 11:05

25 MS. STEIN: Objection to form. 11:05

1 MS. WEAVER: What's the objection? 11:06

2 MS. STEIN: "Behaviors" is a very vague 11:06

3 term, Lesley. 11:06

4 MS. WEAVER: No. It's listed right here 11:06

5 on the document. So I'm going to restate the 11:06

6 question. 11:06

7 Q. Does the DIY tool also include the native 11:06

8 data that's inferred from the engagement on the site 11:06

9 like behaviors as listed in this document? 11:06

10 MS. STEIN: Objection to form. 11:06

11 THE WITNESS: So I will answer with, you 11:06

12 know, like a high-level understanding that the DIY 11:06

13 file includes the pages that you liked. And by 11:06

14 default, that's a behavior. 11:06

15 BY MS. WEAVER: 11:06

16 Q. Does Facebook engage in -- okay. But 11:06

17 just -- sorry. Just go back to that question. 11:06

18 Do you know, as you sit here today, 11:06

19 whether the DIY tool includes native data inferred 11:06

20 from engagement on the site, including interests and 11:06

21 behaviors as identified on this chart? 11:06

22 MS. STEIN: Objection to form. 11:06

23 THE WITNESS: DIY file includes activities 11:06

24 such as you liking a page that may suggest an 11:07

25 interest and, by default, explain a behavior or 11:07

1 describe a behavior. 11:07

2 BY MS. WEAVER: 11:07

3 Q. Okay. But is that to be inferred from the 11:07

4 engagement on the site? 11:07

5 A. It's driven by your activities happening 11:07

6 on the Facebook website or the Facebook apps. 11:07

7 Q. Okay. Going back to the page ending in 11:07

8 425. We were near the bottom of the page there. 11:07

9 A. Yes. 11:07

10 Q. Do you see where it says "Centralized 11:07

11 opt-out"? 11:07

12 A. Yes. 11:07

13 Q. What does that refer to? 11:07

14 A. So this refers to the ability of the user 11:07

15 to turn off any kind of activity around behavioral 11:07

16 data captured through our SDKs -- 11:07

17 THE REPORTER: I'm sorry, "Behavioral 11:08

18 data" -- 11:08

19 THE WITNESS: -- and pixel. 11:08

20 THE REPORTER: I'm sorry, "Behavioral 11:08

21 data"... 11:08

22 THE WITNESS: -- captured through the SDKs 11:08

23 and pixel. 11:08

24 THE REPORTER: Thank you. 11:08

25

1 BY MS. WEAVER: 11:08

2 Q. And what is third-party behavioral data 11:08

3 again? 11:08

4 A. I think we exhausted that, but I will go 11:08

5 back to the definition as it's being offered in a 11:08

6 previous page: Website, browser behaviors, 11:08

7 conversations, explicit actions, mobile apps 11:08

8 installed, and so on. 11:08

9 Q. And is that contained in the DYI tool or 11:08

10 the DYI file? 11:08

11 MS. STEIN: Object to form. Objection to 11:08

12 form. 11:08

13 THE WITNESS: I'm sorry, how can a file 11:08

14 include activities as you have already opted out? 11:08

15 BY MS. WEAVER: 11:08

16 Q. Okay. What I'm asking is whether the DIY 11:08

17 tool collects third-party behavioral data as it's 11:08

18 referred to there? 11:08

19 A. I'm sorry, I feel like I'm repeating 11:08

20 myself. But the DYI file identified the apps that 11:09

21 you used, the websites that you may have liked and 11:09

22 so on. So it captures behavioral data as per -- 11:09

23 Q. Okay. 11:09

24 A. -- the definition of the previous page. 11:09

25 Q. Does it collect all third-party behavioral 11:09

1 data? 11:09

2 MS. STEIN: Objection to form. 11:09

3 THE WITNESS: All? I don't know. 11:09

4 BY MS. WEAVER: 11:09

5 Q. Yeah. Okay. 11:09

6 How would you find out? 11:09

7 A. I would have to look at the DYI file. 11:09

8 Q. Okay. And have you looked at any DYI 11:09

9 files to prepare for your deposition today? 11:09

10 A. No, I have not, because that would be a 11:09

11 violation of my commitment to users' privacy. 11:09

12 Q. Did you look at DYI files for any of the 11:09

13 named plaintiffs in this action to prepare for the 11:09

14 deposition? 11:09

15 A. No, because that would be in violation of 11:09

16 my commitment to users' privacy. 11:09

17 Q. To prepare -- 11:10

18 A. I would be fired -- 11:10

19 Q. If your -- 11:10

20 A. -- if I look -- 11:10

21 Q. If your lawyers had you look at the 11:10

22 plaintiffs' DYI files to prepare for deposition in 11:10

23 this action? 11:10

24 A. I would be fired. 11:10

25 Q. Okay. Well, we'll table that. 11:10



1 Can you look at your -- 11:10

2 A. No one here -- 11:10

3 Q. Can you look at your own -- 11:10

4 A. I can only look at mine. 11:10

5 Q. -- DYI -- oh, okay. So can you look at 11:10

6 your own DYI file to determine whether or not all 11:10

7 third-party behavioral data is included in it? 11:10

8 A. I can, but not right now. 11:10

9 Q. Okay. Right. 11:10

10 Okay. Give me a moment here. 11:10

11 Okay. So let's turn for a moment to the 11:11

12 page ending in 3428. It says "Location" at top. 11:11

13 Do you know who Maritza Johnson is? 11:11

14 A. No, I don't. 11:11

15 Q. Okay. And do you see, it says, "Knowing 11:11

16 where people are when they interact with our 11:11

17 services is useful for designing innovative 11:11

18 products"? Do you see that? 11:11

19 A. Yes, I do see that. 11:11

20 Q. So did Facebook track people's -- users' 11:11

21 location? 11:11

22 A. Facebook will have an understanding of the 11:11

23 user's location based on different signals. 11:11

24 Q. Okay. And you see here it says -- when 11:11

25 you say "different signals," what do you mean? 11:11

1	A. Like if someone is using the app from	11:11
2	their mobile phone and they have allowed us access	11:11
3	to their GPS, we would have a precise, you know,	11:11
4	understanding of that location. If someone is	11:12
5	accessing Facebook through their computer, we will	11:12
6	try to determine their location from an IP address	11:12
7	and so on.	11:12

8	Q. Okay. And do you see where it says, "Is	11:12
9	derivative data produced (example, ad clusters)?"	11:12
10	It's the last bullet point --	11:12

11	A. Ah.	11:12
----	--------	-------

12	Q. -- on the top.	11:12
----	-------------------	-------

13	A. Yes.	11:12
----	---------	-------

14	Q. Okay. So the question is, what is	11:12
15	derivative data?	11:12

16	A. Could I read the whole thing quickly just	11:12
17	to make sure I'm --	11:12

18	Q. Absolutely, of course.	11:12
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19	(Pause while witness peruses document.)	11:12
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20	A. Okay.	11:12
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21	Q. What is derivative data?	11:12
----	-----------------------------	-------

22	MS. STEIN: I will just instruct the	11:13
23	witness to make sure that you only testify about	11:13
24	things that you know, and that if there are things	11:13
25	in this document that you don't know or are not a	11:13

1 company term, to please, you know, tell the 11:13  
2 examiner, because you should not be testifying 11:13  
3 beyond the scope of what your -- what's at issue in 11:13  
4 this deposition and -- 11:13  
5 MS. WEAVER: This is completely within the 11:13  
6 scope, Deb, and that's improper coaching. 11:13  
7 Q. So, sir, do you know what derivative data 11:13  
8 is? 11:13  
9 A. I think there is an example for derivative 11:13  
10 data there. 11:13  
11 Q. I'm sorry? 11:13  
12 A. Ad clusters. Ad cluster is derivative 11:13  
13 data. 11:13  
14 Q. Okay. That's an example of derivative 11:13  
15 data? 11:13  
16 A. Yes. 11:13  
17 Q. Okay. How is it derived, if you will? 11:13  
18 How are ad clusters derived? 11:13  
19 MS. STEIN: Objection to form. 11:13  
20 THE WITNESS: So at a very high level, an 11:13  
21 [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 11:14

1 [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 11:14  
7 BY MS. WEAVER: 11:14  
8 Q. [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] Or how -- how is that actually -- 11:14  
12 A. Those are things that are -- 11:14  
13 MS. STEIN: Objection to form. 11:14  
14 You may answer. 11:14  
15 THE WITNESS: [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 11:14  
17 BY MS. WEAVER: 11:15  
18 Q. Okay. So -- 11:15  
19 A. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 11:15  
22 Q. Okay. So for the record, [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] is that fair? 11:15  
25 MS. STEIN: Objection to form. 11:15

1 THE WITNESS: [REDACTED] [REDACTED]  
[REDACTED] [REDACTED], yes. 11:15  
3 BY MS. WEAVER: 11:15  
4 Q. [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] -- strike that. 11:15  
6 [REDACTED] 11:15  
7 A. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 11:15  
13 Q. Okay. And is it contained in the DYI 11:15  
14 file? 11:15  
15 A. That -- how is that relevant for you? 11:15  
16 Q. I get to ask the questions. 11:16  
17 A. No, I mean -- I'm -- I'm thinking loudly. 11:16  
18 That a user's information, when it is -- so the -- 11:16  
19 okay. So let me take a step back. 11:16  
20 That data that we are talking about are 11:16  
21 anonymized. They are not associated with a given 11:16  
22 user. And so it wouldn't show up in a -- in user's 11:16  
23 DYI file. 11:16  
24 Q. Okay. And when -- 11:16  
25 MS. STEIN: I'm just waiting for my feed

1 here.

2 Oh, could you read his answer back,

3 please. 11:16

4 (The record was read by the 11:17

5 court reporter, as requested) 11:17

6 BY MS. WEAVER: 11:17

7 Q. And what do you mean by "associated"? 11:17

8 A. Like we have a broad understanding of who 11:17

9 lives in San Francisco but we don't know exactly who 11:17

10 lives in San Francisco. 11:17

11 Q. Okay. But the data's collected from 11:17

12 individual users, right? 11:17

13 A. It depends. 11:17

14 Q. On what? 11:17

15 A. It depends on whether the data has been 11:17

16 collected because some are explicitly said "I live 11:17

17 in San Francisco." Some people have their hometown 11:17

18 identified on Facebook, some people don't. 11:17

19 Q. Right, but it's still one individual. The 11:17

20 source of the -- the -- originally is one user, 11:17

21 right? 11:17

22 MS. STEIN: Objection to form. 11:17

23 BY MS. WEAVER: 11:17

24 Q. Because either I live in San Francisco or 11:17

25 I indicated -- I mean, all of this data comes from 11:17

1 individuals, right? 11:17

2 A. Some of the data -- sorry. Again, if -- 11:17

3 if it's -- according to the previous definition, if 11:17

4 it's native data, that means that you have provided 11:17

5 that information. 11:18

6 Q. Okay. So let's -- okay. Let's talk -- 11:18

7 A. Like you have defined San Francisco -- 11:18

8 Q. Right. 11:18

9 A. -- to be your hometown. 11:18

10 Q. Perfect. 11:18

11 A. Okay. 11:18

12 Q. So it's associated with me initially, 11:18

13 right? 11:18

14 A. You have specifically suggested to your 11:18

15 Facebook friends by basically filling in that 11:18

16 specific field that Facebook asked you to do that 11:18

17 your hometown is San Francisco. You may live in 11:18

18 Denver, but your hometown appears to be 11:18

19 San Francisco. 11:18

20 Q. Okay. So an algorithm runs on this data 11:18

21 and it creates an ad cluster and puts me -- when 11:18

22 does it become disassociated with me? Because it 11:18

23 was initially associated, correct? 11:18

24 A. That association will never cease to exist 11:18

25 unless you basically go there and suggest that you 11:18

1 move to Denver. 11:18

2 Q. Okay. I'm just -- honestly, K.P., I'm 11:18

3 trying to understand your answer. 11:18

4 You said the data that we are talking 11:18

5 about is not associated with specific users. We 11:18

6 just talked about -- 11:19

7 A. Yes, please. 11:19

8 Q. -- it was associated with an individual 11:19

9 user because they're from San Francisco. 11:19

10 A. Yes. 11:19

11 Q. So when does it become disassociated? 11:19

12 A. But I'm trying to explain to you the 11:19

13 distinction between data that comes from native 11:19

14 data, to use your -- 11:19

15 Q. Okay. 11:19

16 A. -- the definition in this document, versus 11:19

17 behavioral data. 11:19

18 Q. Okay. And -- 11:19

19 A. So -- no, no, no, no. Sorry. I have to 11:19

20 be super precise here. 11:19

21 There are two kinds of native data. There 11:19

22 are native data that come because you have, as a 11:19

23 user, indicated that your hometown is San Francisco. 11:19

24 Q. Right. 11:19

25 A. And there is native data that comes from 11:19



1 your activity. So if -- hypothetically speaking, I 11:19  
2 don't -- I don't know exactly what period of time we 11:19  
3 are going to be looking at, but let's say for the 11:19  
4 last three -- the last 30 days you have accessed 11:19  
5 Facebook from an IP address in -- in San Francisco, 11:19  
6 that is still, according to our definition, native 11:19  
7 data. But it's -- it's not data that's -- it's 11:19  
8 directly explicitly, you know, like, documented by 11:19  
9 the user, but it's in data inferred by their 11:20  
10 activity. 11:20

11 Q. Okay. And so the -- 11:20

12 A. Still native. 11:20

13 Q. I understand. 11:20

14 By the way, would you use a different word 11:20  
15 than native data? Is there another way to reference 11:20  
16 that? 11:20

17 A. I would probably use on-site activity. 11:20

18 Q. On-site activity? 11:20

19 A. Versus off-site activity. 11:20

20 Q. Okay. Perfect. 11:20

21 Do you -- would you use the -- the words 11:20  
22 "appended data" or is there another term for that? 11:20

23 A. I haven't heard that term until recently. 11:20  
24 Until this -- 11:20

25 Q. Okay. Do you have another understanding 11:20

1 of how people at Facebook refer to it? 11:20

2 A. Customer data provided by third parties or 11:20

3 something -- 11:20

4 Q. Okay. 11:20

5 A. -- like that. 11:20

6 Q. All right. And then what about behavioral 11:20

7 data; is there another term of art at Facebook used 11:20

8 to reference that? 11:20

9 A. That's my definition of offline activity. 11:20

10 Q. Offline activity. Okay. 11:20

11 A. Oh, sorry, off-site activity. 11:20

12 Q. Off-site. I see. Okay. 11:20

13 [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

24 A. Okay. At the very high level, if we are 11:21

25 talking about the specific scenario that a business 11:21

1 that is operating in San Francisco wants to target 11:21  
2 users in San Francisco, they will run the campaign 11:21  
3 for, let's say, two days; they will target specific 11:21  
4 users that live in that area. They may target only 11:21  
5 females or only men, people of a certain age, people 11:21  
6 of a certain profession, depending on, you know, 11:21  
7 like, what sort of campaign they want to run, right? 11:21

8 So that will all be effectively identified 11:21  
9 as a potential audience of, let's say for the sake 11:21  
10 of the argument, 20,000 users. They still have no 11:22  
11 access to the information. They only understand 11:22  
12 what is the potential audience their ad campaign can 11:22  
13 reach. 11:22

14 And then when they start, you know, like, 11:22  
15 placing the advertisement, then their advertisement 11:22  
16 is going to go into an auction. That auction may 11:22  
17 actually, you know, allow others to beat against 11:22  
18 that same audience. So if there is a competitor of 11:22  
19 this service, or another service that wants to 11:22  
20 target people with similar characteristics that live 11:22  
21 in San Francisco, they may or may not see the first 11:22  
22 ad. So it's the highest bidder that will have the 11:22  
23 ad show up. 11:22

24 So all that is so, you know, like, 11:22  
25 [REDACTED] 11:22

1 [REDACTED] 11:22

2 Q. Okay. So let me ask this: So I'm -- say 11:22

3 I'm being targeted in that ad campaign. Is there a 11:22

4 way for me to find out that I was targeted by those 11:22

5 categories that the advertiser chose? 11:22

6 A. You can see it only if that ad campaign 11:23

7 shows up to you. 11:23

8 Q. Okay. And only in realtime? And there's 11:23

9 no record of it after that? 11:23

10 A. I think you can actually see the -- the 11:23

11 information in realtime. But if you go to the DYI 11:23

12 file, you can see probably ad campaigns that you 11:23

13 have been displayed -- or you have seen yourself, or 11:23

14 you have clicked. 11:23

15 Q. Okay. But if they were -- 11:23

16 A. You know -- 11:23

17 Q. -- targeted to me and I didn't take an 11:23

18 action, it's not in the DYI file; is that right? 11:23

19 A. You -- you will see the ad campaigns that 11:23

20 ended up showing up on your feed, but you wouldn't 11:23

21 see any ad campaigns that, for whatever reason, you 11:23

22 haven't seen, because there was another advertiser 11:23

23 that won the bid. 11:23

24 Q. Got it. 11:23

25 And so let's talk about the information 11:23

1 that is used to create the derived data. How do you 11:23  
2 determine what information can be used to apply 11:24  
3 those algorithms? 11:24

4 A. I need to clarify that question. 11:24

5 Q. Yeah, it's -- so is only public 11:24  
6 information used to create derived data? 11:24

7 MS. STEIN: Objection to form. 11:24

8 THE WITNESS: Okay. So are you talking 11:24  
9 about derived data in the context of location, or 11:24  
10 you're talking about derived data broadly? 11:24

11 BY MS. WEAVER: 11:24

12 Q. Well, what is derived data broadly? 11:24

13 A. I mean, I don't know of any use of derived 11:24  
14 data broadly, but I'm trying to understand exactly 11:24  
15 how you want me to answer the question in a 11:24  
16 thoughtful way. 11:24

17 Q. Okay. Well, [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] 11:25

1 Q. But at large, is it fair to say that 11:25  
2 derived data is created through algorithms running 11:25  
3 on realtime data? 11:25  
4 MS. STEIN: Objection to form. 11:25  
5 THE WITNESS: I cannot talk about that. 11:25  
6 But derived data is a -- a broad, you know, like, 11:25  
7 industry term that you can use, and it's a legal 11:25  
8 term as well, as far as I understand. It can be 11:25  
9 used in different context and it doesn't always 11:25  
10 require realtime processing. 11:25  
11 BY MS. WEAVER: 11:25  
12 Q. Okay. So let's -- we can stick with your 11:25  
13 example then if you like for now. 11:25  
14 What if I sent a -- a private -- a message 11:25  
15 in Facebook Messenger to one friend saying "I used 11:25  
16 to live in San Francisco" and I've never posted 11:25  
17 anything publicly about it. Is that information 11:25  
18 used to create the derived data for ad clusters? 11:26  
19 A. No. 11:26  
20 Q. Why not? 11:26  
21 A. That's a private conversation between you 11:26  
22 and your friend -- 11:26  
23 Q. Okay. 11:26  
24 A. -- that -- 11:26  
25 Q. So how does the algorithm distinguish -- 11:26

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1 let me ask this: When the data is being run on 11:26  
2 algorithms, is it segregated by public or private 11:26  
3 data? 11:26  
4 A. So your definition of public or private is 11:26  
5 what, if I may say? 11:26  
6 Q. If a user designated something private or 11:26  
7 restricted audience. 11:26  
8 A. Okay. Let's take a little bit of a step 11:26  
9 back. Because what we define as public data is 11:26  
10 basically your first name, your last name, your 11:26  
11 profile picture. 11:26  
12 Q. Okay. 11:26  
13 A. Anything else that comes with a -- an 11:26  
14 audience selection doesn't necessarily belong -- 11:26  
15 it's not necessarily by default public. It may have 11:26  
16 a limited audience. It may be just you, if it's 11:26  
17 things like your birthday, or it may be friends -- 11:27  
18 or accessible to your friends. 11:27  
19 What we always, you know, like, like to 11:27  
20 suggest that communications that happen over 11:27  
21 messenger is also by default private, meaning that 11:27  
22 it's -- the content of your exchanges with your 11:27  
23 friends belong to you and your friends. So that 11:27  
24 wouldn't be considered public information. But it 11:27  
25 wouldn't be considered necessarily private 11:27

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1 information because it's not accessible by anybody 11:27  
2 in that -- it's a private conversation but it's not 11:27  
3 private data in that sense. 11:27

4 Q. And when Facebook is, let's say -- we can 11:27  
5 just stick with your ad clusters example. When it 11:27  
6 is using the algorithm to create derived data, such 11:27  
7 as ad clusters, is it using that world of 11:27  
8 information that you just described that is not 11:27  
9 public? 11:27

10 A. We would be using native data such as your 11:27  
11 registered home location and things like your IP 11:28  
12 address to determine where you live. 11:28

13 Q. Okay. But what I'm trying to say is -- 11:28  
14 and I gave you a different example. So if you 11:28  
15 could, just follow my example. Okay. 11:28

16 A. We wouldn't. I think I made -- 11:28

17 Q. Okay. 11:28

18 A. -- that point that -- 11:28

19 Q. When I -- when I look -- 11:28

20 A. -- you telling your friends you live in 11:28  
21 San Francisco is your business and it's not for us 11:28  
22 to use in any kind of ads. 11:28

23 Q. Okay. And that's because reading messages 11:28  
24 and using that content and making it available to 11:28  
25 advertisers would violate Facebook's policies, 11:28



1 right? 11:28

2 A. Reading private communications between you 11:28

3 and your friends would be a violation of our 11:28

4 commitment to your privacy. 11:28

5 Q. Okay. Switching topics just for a second. 11:28

6 You know what capabilities are; is that 11:28

7 right? 11:29

8 A. In what -- 11:29

9 Q. In connection with -- in connection with 11:29

10 APIs? 11:29

11 A. Yes, I do. 11:29

12 Q. Okay. Sorry. 11:29

13 So are you familiar with the read stream 11:29

14 capability? 11:29

15 A. Read stream is an API but there is an 11:29

16 associated capabilities. 11:29

17 Q. Yeah. And what is that? 11:29

18 A. It's an API that allows a third party to 11:29

19 access someone's News Feed. 11:29

20 Q. Okay. And what does "read stream" mean in 11:29

21 particular? 11:29

22 A. It's a very poorly, you know, like, 11:29

23 defined -- 11:29

24 Q. It should probably be for the period 2012 11:29

25 to 2017. 11:29

1	A. Yes. So the News Feed is also referred as	11:29
2	stream.	11:29
3	Q. Uh-huh.	11:29
4	A. And that API and the corresponding	11:29
5	capability effectively describes the ability to read	11:29
6	the stream.	11:29
7	Q. Okay.	11:29
8	A. In other words, read the News Feed.	11:29
9	Q. Okay. And are you aware at any point in	11:30
10	time if third parties were allowed to read Facebook	11:30
11	Messenger messages?	11:30
12	MS. STEIN: Objection.	11:30
13	BY MS. WEAVER:	11:30
14	Q. Through -- through API capabilities?	11:30
15	MS. STEIN: Objection to form. And we're	11:30
16	talking about 2012 to 2017.	11:30
17	You may answer.	11:30
18	THE WITNESS: Between 2012 and 2017, I	11:30
19	don't think we made the -- the Messenger API -- the	11:30
20	current version of the Messenger API available.	11:30
21	THE REPORTER: I'm sorry. That -- that...	11:30
22	THE WITNESS: So I'm -- between 2012 and	11:30
23	2017, the current version of the Messenger API was	11:30
24	not available. I think the only way for third	11:30
25	parties to access Messenger was through the Inbox	11:30

1 API. 11:30

2 MS. WEAVER: I'm sorry, I just need to 11:30

3 look really quickly. 11:31

4 Q. What is the Inbox API? 11:31

5 A. It's an API that allows a third party to 11:31

6 access a user's Messenger conversation. 11:31

7 Q. Okay. And what do those third parties -- 11:31

8 strike that. 11:31

9 What access were they given to -- 11:31

10 A. So the third -- 11:31

11 Q. -- use Messenger conversation? 11:31

12 A. Yeah. The third parties that had access 11:31

13 to the Inbox API were app third parties that 11:31

14 replicated core Facebook functionality, including 11:31

15 messaging. So we call those integrations device 11:31

16 integrations because they were replicating 11:31

17 Facebook -- the Facebook app. 11:31

18 Q. Are you aware -- are you familiar with the 11:31

19 company Royal Bank of Canada, RBC? 11:31

20 A. Yes. Yes. 11:31

21 Q. Did -- did they have access to Messenger 11:31

22 inboxes during this time period? 11:32

23 A. They had the access to an API that allowed 11:32

24 them to write into someone's inbox. 11:32

25 Q. And why? 11:32



1 THE WITNESS: Oh. Okay. 11:33

2 MS. STEIN: I will -- I will mute. The 11:33

3 gardeners are here. Hazards of -- 11:33

4 MS. WEAVER: Yes. 11:33

5 MS. STEIN: -- of COVID. 11:33

6 BY MS. WEAVER: 11:33

7 Q. I'm going to direct your attention just to 11:33

8 a few pages here. 11:33

9 A. Okay. 11:33

10 Q. Great. 11:33

11 So what is facial recognition, the facial 11:33

12 recognition feature that's referred to in this 11:34

13 document? 11:34

14 A. And do you want me to read what is defined 11:34

15 in this document or shall I tell you -- 11:34

16 Q. Just tell me -- 11:34

17 A. -- what my understanding? 11:34

18 Q. -- your understanding. 11:34

19 Yes, sorry. 11:34

20 A. So it's a -- it's a code that allows us to 11:34

21 understand who may be shown or seen in a picture, in 11:34

22 a photo. 11:34

23 Q. Okay. And how does it work? 11:34

24 A. Technically? 11:34

25 Q. Yes. 11:34

1	A.	Through a combination of pattern matching	11:34
2		and other characteristics.	11:34
3	Q.	Combination of? I just didn't understand	11:34
4		you. Could you repeat it again.	11:34
5	A.	Pattern matching.	11:34
6	Q.	Pattern --	11:34
7	A.	So we try to see patterns.	11:34
8	Q.	Pattern -- pattern matching?	11:34
9	A.	Yes.	11:34
10	Q.	Okay. And what patterns? It's looking at	11:34
11		people's faces for those patterns; is that correct?	11:34
12	A.	Yeah. Would analyze certain	11:34
13		characteristics of your face and try to, you know,	11:34
14		create a matching with a pattern. And then when we	11:35
15		see a similar pattern, we can associate this back to	11:35
16		you.	11:35
17	Q.	Okay. And so if you turn to the second	11:35
18		page here ending in 3431, do you see where it says	11:35
19		"Graph Search"? It's in bold.	11:35
20	A.	Yeah.	11:35
21	Q.	Okay. And then it says, "We're looking to	11:35
22		incorporate facial recognition results in Graph	11:35
23		Search."	11:35
24		Do you see that?	11:35
25	A.	Yes.	11:35

1 Q. Do you -- what is Graph Search? 11:35

2 A. Graph Search is our own version of 11:35

3 searching within the graph. 11:35

4 Q. And what do you mean by graph? 11:35

5 A. Everything at Facebook is the graph. Any 11:35

6 entity, any connection that's affecting the part of 11:35

7 the graph. 11:35

8 Q. Okay. Is it a relational database? 11:35

9 A. It's not a -- a database per se. The 11:35

10 graph is -- I don't know. It's a -- it's an 11:35

11 abstract thing that describes basically every single 11:36

12 connection and entity on -- on the platform. 11:36

13 Q. Okay. So if somebody is using Graph 11:36

14 Search, they are searching all over Facebook's 11:36

15 entire network; is that right? 11:36

16 A. Sort of, because there may be exceptions 11:36

17 to that. Like people that opt out from -- 11:36

18 Q. Okay. 11:36

19 A. -- from that they wouldn't have their 11:36

20 results in that. 11:36

21 Q. If people opt out, are they still in the 11:36

22 graph? 11:36

23 A. They can opt out from being discovered 11:36

24 through Graph Search. 11:36

25 Q. But they're still in the graph? 11:36

1	A.	But they are still in the graph, yes.	11:36
2	Q.	Is there any way to be removed from the	11:36
3		graph?	11:36
4	A.	You have to delete your Facebook account.	11:36
5	Q.	Okay. And if I go to delete my Facebook	11:36
6		account, what is deleted? Is all the data relating	11:36
7		to me deleted?	11:36
8	A.	Your interactions with public entities	11:36
9		will not be deleted.	11:36
10	Q.	So how do you identify all of the data to	11:37
11		delete?	11:37
12	A.	My -- my response would be anything that	11:37
13		lives in the "Download Your Information" file is	11:37
14		going to disappear.	11:37
15	Q.	What about all the rest of the data in the	11:37
16		graph?	11:37
17	A.	Again, the only exception here would be,	11:37
18		you know, like, your interactions with public	11:37
19		entities. If you end -- ended up commenting on	11:37
20		United's page you didn't like their service, that	11:37
21		is, by default, public and is not personal	11:37
22		information. And, to some extent, it belongs also	11:37
23		to United because you did that on their entity.	11:37
24	Q.	So --	11:37
25	A.	But pretty much every -- everything else	11:37

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1	that is associated to you will be deleted.	11:37
2	Q. Okay. And when you say "is associated to	11:37
3	me," what do you mean?	11:37
4	A. Any kind of on-site or off-site activity.	11:37
5	Q. What about derived data?	11:37
6	A. The derived data, again, if we are talking	11:38
7	about location? Are we?	11:38
8	Q. No. Just in general. Derived data in	11:38
9	general.	11:38
10	A. Oh. In general?	11:38
11	Q. Yeah.	11:38
12	A. Derived data may be your interest like we	11:38
13	discussed before that may be inferred from you	11:38
14	liking Beyonce's page, that will show up in the DYI	11:38
15	file. So, yes, they will be deleted.	11:38
16	Q. Okay. You -- you referred earlier to data	11:38
17	that is not associated with individuals. Do you	11:38
18	recall that?	11:38
19	A. I need to play back my -- you know, like,	11:38
20	my sentence. Okay. What about it?	11:38
21	Q. You -- okay. So there is data that is not	11:38
22	associated with individual users; is that right?	11:38
23	A. Overall?	11:38
24	Q. Yes.	11:38
25	A. Yes, we -- we do have some information	11:38

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1 that is not associated with specific users. 11:38

2 Q. Right. 11:38

3 A. Like United's page on Facebook is not 11:38

4 associated with specific users. 11:38

5 Q. Okay. We'll put a pin in this and we'll 11:38

6 come back to it. Because I think really drilling in 11:39

7 on what Facebook can identify about me specifically 11:39

8 is at the heart of this deposition. 11:39

9 Okay. So going back to [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] Do you see that? 11:39

12 A. Yes. 11:39

13 Q. And it says, [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] ." 11:39

17 Do you see that? 11:39

18 A. Yes. 11:39

19 Q. [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] 11:39

1 Q. Okay. And do you know whether or not 11:39  
2 [REDACTED]  
3 [REDACTED] 11:40  
4 A. I don't know. 11:40  
5 Q. Who would know? 11:40  
6 A. I don't know. 11:40  
7 Q. Who at Facebook was in charge for facial 11:40  
8 tech -- recognition technology at this time? 11:40  
9 A. I don't know. 11:40  
10 Q. Who is Emily Sharpe? 11:40  
11 A. I -- I don't know. I've heard that name 11:40  
12 just recently. 11:40  
13 Q. Okay. So I'd like for you to turn to the 11:40  
14 next page. It says "Apps, Acquisition, and Creative 11:40  
15 Labs" and it has the name of Travis Bright 11:40  
16 underneath it. Do you see that? 11:40  
17 A. Yes. 11:40  
18 Q. And this is page 3433. 11:40  
19 Who is Travis Bright? 11:40  
20 A. I don't know. 11:40  
21 Q. Okay. So I'm going to direct your 11:40  
22 attention to the last paragraph there where it says, 11:40  
23 it begins, [REDACTED]  
24 [REDACTED]. " 11:41  
25 Do you see that? 11:41

1 A. And you said next page? 11:41

2 Q. I'm on the -- sorry. I'm on the bottom 11:41

3 paragraph on the page ending with 3433. 11:41

4 A. Oh, okay. 11:41

5 Sorry, which sentence? 11:41

6 Q. Well, let's do this. Do you see where it 11:41

7 says "Data Integration"? 11:41

8 A. Yes. 11:41

9 Q. Okay. So there it says, "Facebook's data 11:41

10 is hugely valuable but comes with a lot of 11:41

11 restrictions we've either placed on ourselves or by 11:41

12 external parties (regulators)." 11:41

13 Do you see that? 11:41

14 A. Yes. 11:41

15 Q. And it says a little bit lower there, 11:41

16 "Some apps want to take advantage of the data we 11:41

17 have while some are trying to simplify their app by 11:41

18 running it independently." 11:41

19 Do you see that? 11:41

20 A. Yes. 11:41

21 Q. And so they use as an example [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] " 11:41

24 Do you see that? 11:42

25 A. Yes. 11:42

1 Q. What is [REDACTED] 11:42

2 A. [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED] 11:42

5 Q. Got it. 11:42

6 And then looking forward, it says, "[REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED] 11:42

9 Do you see that? 11:42

10 A. Let me see. Where are you now? 11:42

11 Q. I'm sorry. It's two sentences -- here, 11:42

12 I'll go at the sentence ahead. "You only need a 11:42

13 phone to create an account, aliases used in the app 11:42

14 aren't linked to Facebook profiles, and they are 11:42

15 showing ads so don't even need demographic or 11:42

16 aggregated data." 11:42

17 Do you see that? 11:42

18 A. Yes. 11:42

19 Q. And then it says, [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED] 11:42

22 Do you see that? 11:42

23 A. Yes. 11:42

24 Q. [REDACTED] [REDACTED]

25 [REDACTED] 11:42

1 A. No. 11:42

2 Q. Okay. Now, it -- it's referring to 11:42

3 Facebook extracting data for reporting and search 11:43

4 warrants. Do you see that? 11:43

5 A. Yes, I do see that. 11:43

6 Q. Does Facebook do that? 11:43

7 A. Export data for search warrants? 11:43

8 Q. Yeah. 11:43

9 A. [REDACTED] [REDACTED]

10 [REDACTED] -- 11:43

11 Q. Okay. 11:43

12 A. [REDACTED]. 11:43

13 THE REPORTER: I'm sorry. By the -- 11:43

14 BY MS. WEAVER: 11:43

15 Q. And when Facebook extracts data -- 11:43

16 THE REPORTER: I'm sorry. I'm sorry. [REDACTED] [REDACTED]

17 [REDACTED] 11:43

18 THE WITNESS: I'm sorry? 11:43

19 THE REPORTER: You said something 11:43

20 [REDACTED] [REDACTED]? 11:43

21 THE WITNESS: I don't know if that's the 11:43

22 right term, [REDACTED] 11:43

23 BY MS. WEAVER: 11:43

24 Q. [REDACTED] 11:43

25 A. Yeah. 11:43

1 THE REPORTER: Thank you. 11:43

2 BY MS. WEAVER: 11:43

3 Q. And when Facebook [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] 11:43

6 A. I haven't been involved in the process, so 11:43

7 I don't know. 11:43

8 Q. Okay. [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] 11:44

11 A. My understanding is that, yes, we do. 11:44

12 Q. [REDACTED] [REDACTED]

13 [REDACTED] 11:44

14 A. I don't know. 11:44

15 Q. Who would know? 11:44

16 A. I don't know. 11:44

17 Q. Okay. So here, going back to the 11:44

18 paragraph where we started, it says "The next step 11:44

19 up from this is sharing of anonymized, aggregated, 11:44

20 or hashed data." 11:44

21 Do you see that? 11:44

22 A. Yes. 11:44

23 Q. And what is anonymized data? 11:44

24 A. Anonymized is any data that cannot be 11:44

25 associated with a specific user. 11:44

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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